

JMK:JAM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

PRE-ARRAIGNMENT
COMPLAINT

DERBY RODRIGUEZ,

(21 U.S.C. §§ 952(a) and 960)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DAVID SCHRADER, being duly sworn, deposes and states that he is a
Special Agent with the Department of Homeland Security, Homeland Security
Investigations, duly appointed according to law and acting as such.

On or about May 26, 2015, within the Eastern District of New York and
elsewhere, the defendant DERBY RODRIGUEZ did knowingly, intentionally and
unlawfully import into the United States from a place outside thereof, cocaine, a Schedule II
controlled substance.

(Title 21, United States Code, Sections 952(a) and 960)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On May 26, 2015, the defendant DERBY RODRIGUEZ arrived at John F. Kennedy International Airport ("JFK") in Queens, New York aboard Jet Blue flight number 336 from Santo Domingo, Dominican Republic.

2. A Customs and Border Protection ("CBP") officer stopped the defendant DERBY RODRIGUEZ for a border enforcement examination. During questioning by the CBP officer, the defendant appeared nervous. A baggage examination and a pat-down search were completed, which yielded negative results. The defendant was then asked to sign an x-ray consent form, at which time the defendant stated, in sum and substance, that he had swallowed pellets containing cocaine.

3. The defendant DERBY RODRIGUEZ then signed the x-ray consent form and was transported to the medical facility at JFK for a monitored bowel movement. At the medical facility, the defendant stated, in sum and substance, that he had swallowed approximately 29 pellets and secreted approximately 18 additional pellets in his rectum.

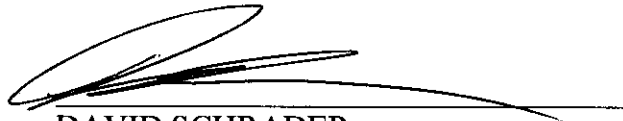
4. An x-ray was taken of the defendant DERBY RODRIGUEZ's intestinal tract, which was positive for foreign bodies. Thereafter, the defendant passed 10 pellets, one of which field-tested positive for the presence of cocaine. The defendant was then placed under arrest.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

5. An HSI special agent advised the defendant DERBY RODRIGUEZ of his Miranda warnings, which he stated he understood and agreed to waive. The defendant then stated, in sum and substance and in part, that he knew that the pellets he had swallowed contained cocaine and that he was supposed to be paid \$70 per pellet for transporting the drugs to the United States.


6. The defendant DERBY RODRIGUEZ will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully request that the defendant DERBY RODRIGUEZ be dealt with according to law.



DAVID SCHRADER
Special Agent
Homeland Security Investigations

Sworn to me before this
26th day of May, 2015


THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK